

REMARKS

Claims 1-25 are currently pending in the application and subject to examination. Claims 1, 8, 13, 19 and 25 have been amended, and Claim 7 has been cancelled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added. Applicant respectfully requests reconsideration of the application in view of the following remarks.

I. Rejections Under 35 U.S.C. § 102(b)/103(a)

Claims 1-14 and 17-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0200439 to Moskowitz ("Moskowitz"). Claims 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moskowitz in view of U.S. Patent Publication No. 2002/0099842 to Jennings ("Jennings"). To the extent the rejections remain applicable to the claims as amended, the Applicant respectfully traverses these rejections as follows.

The Applicant submits that Moskowitz and Jennings, individually, or in combination, do not teach nor suggest a method of according preferred transport to a content file having a content tag, the method including at least the following combination of features: "providing a content aware node, the node being contained in a transmission path of the content file; identifying at the content aware node any portion of the content file to be transmitted; determining at the content aware node transport parameters based on the identified content file for transmission; transmitting the identified content file for transmission based on the determined transport parameters; and providing the identified content file for transmission to a user requested location; wherein the content tag designates a content class and a type of the content file; and

wherein identifying the content file and determining aware node transport parameters are performed by reading the content tag,” as recited in amended claim 1.

Moskowitz, in paragraphs [0011]-[0013], discloses placing a watermark in a packet and “analyzing the packet for a watermark that can be used to authenticate the packet; whereby in the event that the analysis authenticates the packet, the router permits the transmission of the packet to continue.” The Office Action, on page 2, asserts that in paragraph [0012] of Moskowitz “the network receiver identifies if there is a watermark in the packet, which identifies the content which is being transported by the packet.” Further, the Office Action, on page 3, asserts that Moskowitz in paragraph “[0011] discloses authenticating the watermark (i.e. determining authentication of the watermark, also [0013] discloses a bandwidth rights certificate).”

Moskowitz, however, in paragraph [0011], discloses “in the event that the analysis does not authenticate a packet, the invention may i) halt the transmission of the data, ii) modify the data being transmitted so that the data is either degraded in quality and/or quantity; iii) store a copy of the data being transmitted along with the information that is indicative of a failure to authenticate occurred; and/or iv) delay the transmission.” Moskowitz does not disclose using the watermark to transport the packet based upon transport parameters disclosed in the watermark. Instead, Moskowitz provides different options of how to handle an unauthenticated packet. Thus, the watermark in the Moskowitz does not identify the portion of the content file to be transmitted and determine the transport parameters of the content file to be transmitted.

Further, Moskowitz, in paragraph [0013], discloses “the bandwidth rights certificate may include: at least one cryptographic credential; and routing information

selected from the group consisting of authorizing data to authorize use of at least one particular router and priority data to prioritize use of at least one particular router.”

However, Moskowitz does not teach, nor suggest “identifying the content file and determining aware node transport parameters are performed by reading the content tag,” as recited in amended claim 1.

For at least the above reasons, Applicant submits that claim 1 is allowable over the cited references. For similar reasons, Applicant submits that claims 19 and 25 are also allowable. As claims 1, 19 and 25 are allowable, Applicant submits that claims 2-6, 8-16 and 20-24, which depend from allowable claims 1 and 19, respectively, are likewise allowable over the cited references, as well as for the additional features recited therein.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into condition for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 with reference to Attorney Docket No. 026215-00004.

Respectfully submitted,

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